



# County of Los Angeles

## CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN  
Chief Administrative Officer

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Second District

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Third District

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Fifth District

June 20, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

### STATE LEGISLATIVE UPDATE

#### VLF Trigger Pulled

Citing current law which calls for a reduction of VLF offsets and a restoration of the VLF whenever there is insufficient moneys to fund the offsets, Finance Director, Steve Peace, today set in motion a process that should return the VLF to its original level. According to Peace, the State, which is now operating on the proceeds from a recent \$11 billion bond sale, can no longer afford the offsets which backfill local governments for their loss of revenue from the State-imposed reduction in the VLF rate. This morning's Los Angeles Times said it will take 30 days to reprogram computers and send out notices with the new rate. In addition, current law requires that vehicle owners receive their registration notice 64 days ahead of its expiration date. Consequently, unless the law is changed, it will be at least 90 days before the higher rate takes effect. In the meantime, there is considerable uncertainty about whether local governments will continue to receive the VLF backfill after July 1, 2003.

There is also great uncertainty about whether the rate increase will last. A legal opinion by the Office of the Legislative Counsel earlier this week once again questioned whether existing law would ever allow the Administration to trigger a VLF rate increase. Citing that opinion, Assemblyman John Campbell (R-Irvine), the ranking Republican on the Assembly Budget Committee, stated he would join a likely law suit by taxpayer

groups challenging the Administration's actions. In addition, Senator Tom McClintock indicated that he will begin circulating two petitions, the first to lower the VLF rate to \$1 per year and the second to abolish the VLF altogether. Because the first is a statutory change, it would have a lower signature requirement to qualify for the ballot – approximately 350,000 signatures. A constitutional amendment is necessary to eliminate the VLF and that would require approximately 600,000 signatures to qualify.

Local governments, that are heavily dependent on VLF revenue, can take some comfort in the fact that a law suit may take years to resolve and the VLF initiatives would not be on the ballot until November 2004 at the earliest. In the meantime, because the State constitution (Article 13, Section 32) prohibits courts from stopping the collection of a tax until a legal challenge has been fully litigated, local governments should be able to count on the additional revenue for the foreseeable future once the original rate is restored.

#### **Status of County-Interest Legislation**

**County-supported AB 28 (Pacheco, Leslie)**, which would require the Department of Justice (DOJ) to create a website and post information regarding registered sex offenders who are serious or high risk offenders, and appropriates an unspecified sum from the General Fund to the DOJ to create the website, was referred to the Senate Committee on Governmental Organization and is scheduled to be heard on July 1, 2003.

**County-opposed AB 231 (Steinberg)**, which eliminates the Statewide Fingerprint Imaging System (SFIS), passed the Senate Health and Human Services Committee on June 18, 2003 on a vote of 8 to 3. AB 231 now proceeds to the Senate Appropriations Committee.

**County-supported AB 348 (Chu)**, which would allow either a psychiatrist or a psychologist to release a patient from an involuntary commitment provided that certain conditions are met, passed the Senate Health and Human Services on June 18, 2003, on a vote of 9 to 0. AB 348 now proceeds to the Senate Judiciary Committee.

**County-supported AB 408 (Steinberg)**, which makes a number of changes to existing law intended to enhance the quality of life for foster youth and ensure that no child be emancipated from the foster care system without a connection to a committed and caring adult, passed the Senate Health and Human Services Committee on June 18, 2003, on a vote of 11 to 0, and now proceeds to the Senate Judiciary Committee.

**County-supported AB 936 (Reyes)**, which creates a new crime of trespass related to stalking when a defendant knowingly enters or remains in a neonatal unit, maternity ward, or birthing center located in a hospital or clinic, was amended on June 16, 2003 to define reasonable notice as that which would give actual notice to a reasonable person, and that it is posted, at a minimum, at each entrance into the area. AB 936 is in the Senate Appropriations Committee and awaits a hearing date.

**County-opposed, AB 1051 (Goldberg)**, as amended on June 10, 2003, would change the way utilities charge users for capital improvements, was passed by the Senate Committee on Local Government on June 18, 2003, on a vote of 5 to 2. County Counsel and the Internal Services Department testified in opposition at the hearing. Although the bill was approved without the amendments desired by the County, our Sacramento advocates believe that our testimony may lead to a more favorable hearing before the Senate Committee on Education. County Counsel is working with our outside attorneys and other opponents to the bill on an amendment that would define "proportionate" to ensure that no customers can be overcharged by a public utility. This amendment clarifies the author's intent, and is consistent with her remarks in the committee hearing. AB 1051 is currently in the Senate Committee on Education, where it is to be heard on July 9, 2003.

**County-sponsored AB 1153 (Bermudez)**, which criminalizes the unauthorized use, manufacture or sale of any official State, county, city, city and county or agency badge and/or associated photographic identification card, was amended on June 18, 2003 to conform with existing law regarding police badges. AB 1153 is in the Senate Public Safety Committee and is scheduled to be heard on June 24, 2003.

**County-sponsored SB 139 (Brulte)**, which would make clarifying changes to the Safe Haven Law which would make it easier for a parent to surrender a newborn in a safe environment, passed the Assembly Judiciary Committee on its consent calendar on June 17, 2003. SB 139 now proceeds to the Assembly Appropriations Committee.

**County-supported, if amended, SB 196 (Kuehl)**, which would change the way two members of the Regional Water Quality Control Board (RWQCB) are selected, making it possible for one county supervisor and one mayor or city council member to be appointed to the RWQCB, was set for hearing before the Assembly Committee on Water, Parks and Wildlife on June 17, 2003. That hearing was cancelled at the request of the author and rescheduled for July 1, 2003.

**County-supported SB 919 (Ortiz)**, which adds and defines code enforcement officers to the list of specified officers and other persons protected from assault and battery under the Penal Code, was amended on June 17, 2003 to expand the definition of a

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code enforcement officer to include any person who is employed by the State Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements. SB 919 is scheduled to be heard in the Assembly Public Safety Committee on June 24, 2003.

We will continue to keep you advised.

DEJ:GK  
MAL:JL:DS:EW:ib

c:     Executive Officer, Board of Supervisors  
         County Counsel  
         Local 660  
         All Department Heads  
         Legislative Strategist  
         Coalition of County Unions  
         California Contract Cities Association  
         Independent Cities Association  
         League of California Cities  
         City Managers Associations